IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.1205 OF 2005
IN
INTERIM APPLICATION NO. 105 OF 2004

Sikandar Ahmed Saigal ..Petitioner

Vs.

Afsha Sikandar Saigal ..Respondent

....

Mr.B.G.Moorthy for Petitioner

....

CORAM : B.H.MARLAPALLE,J.
DATE : MARCH 11,2005

P.C.:

1. Heard Mr.Moorthy, the learned counsel for the petitioner-husband who has filed Interim Application No. 105 of 2004 and in the said application, he has moved an application Exh.7 seeking access to the children.

2. The parties were married on 16.5.1995 and have been blessed with two children - Arshullah the son aged about 9 years and Mariyam the daughter aged about seven years. The wife is a medical student and the couple has not been staying together as at present. The children were studying at Mumbai but recently they have been admitted in a boarding school at Panchgani by the mother. The grievance of the

father in the application at Exh.7 is that the children have been deliberately shifted from Mumbai to Panchgani so that he could not meet them and in any case, it was most unwarranted to shift them.

3. Treating the welfare of the children of paramount importance, the learned Principal Judge of the Family Court interviewed the children as well as the parents. She also sought the help of the Psychiatrist and by the impugned order dated 22.12.2004, it has been held that the petitioner-father shall have an access to the children at boarding school in Panchgani as per the rules of the school and during the school vacations the children would continue to stay at Kacheri Road, Vasai along with their mother. The petitioner's access to his children during the next vacation would be considered after the petitioner undergoes psychiatric treatment and also course of Anger Management to the satisfaction of the psychiatrist.

4. It is clear from the impugned order that the learned Principal Judge has considered all the relevant aspects and recorded reasoned order, which does not call for any interference at this stage and more so, when the application has not yet been finally decided. The impugned order makes only an interim arrangement and depending on the petitioner's

progress after psychiatric treatment, the application would be decided.

5. Under the circumstances, no interference is called for in the impugned order and hence, the petition is rejected summarily.

[B.H.MARLAPALLE,J.]